



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Ms. Michelle L. Martin, Secretary
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Steven E. Simonson, Sr., Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanagan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. John W. Harmon, Manager, Right of Way,
Utilities Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. William D. Dupler, Building Official,
Building Inspections Department
Captain P. M. Spraker, Commander, Support
Services Division, Police Department
Mr. James W. Eicher, CPTED Planner, Crime Prevention Unit,
Support Services Division, Police Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determinations:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0398* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1744A Birkdale
06PD0399* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1743 Reedy Branch (Welton)
07PD0120 Dale	Chesterfield County Utilities Department	Substantial Accord Determination	Courthouse Commons Wastewater Pumping Station

- G. **Review of Substantial Accord Policy.**
- H. **Update to the Swift Creek Reservoir Watershed Master Plan.**
- I. **Proposed Northern Courthouse Road Community Plan.**
- J. **Crime Prevention Through Environmental Design (CPTED) Presentation Relative to Security for High Density Residential Development.**
- K. **Initiation of Application for Rezoning - Bermuda District.**
- L. **Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission amended the agenda to add new Items F., Presentation Relative to Relocation of Non-conforming Billboards to include Electronic Displays and M., Proposed Ordinance Amendment Relative to Measurement of Yards on Routes 10 and 360 and Various Development Standards in the Route 10 East and Enon Core Districts; to delete Item L., Initiation of Application for Rezoning - Bermuda District; to add to the 7:00 p.m. Evening Session new Items VI. and XII., Citizens' Input on Unscheduled Matters; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Mr. Clay presented an abbreviated overview of the Commission's upcoming case schedules, noting there were eighteen (18) cases on the September 19th agenda, thirteen (13) cases on the October 17th agenda and no cases scheduled at this time for the November 16, 2006 Planning Commission meeting agenda.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the October 17 and November 16, 2006, Planning Commission meetings to accommodate deferrals only.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Mr. Clay presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

There were no Plans and Information projects updates.

E. WORK PROGRAM.

There were no additions, deletions or revisions to the Commission's Work Program and it was the consensus of the Commission to adopt their September 2006 Work Program, as presented.

F. PRESENTATION RELATIVE TO RELOCATION OF NON-CONFORMING BILLBOARDS TO INCLUDE ELECTRONIC DISPLAYS.

Mr. Chip Dicks presented an overview of, and distributed handouts relative to, suggested provisions to include in the Chesterfield County Ordinance regarding the relocation of non-conforming billboards, noting the purpose of the presentation was to introduce the concept and to suggest a work group to develop a draft Ordinance for further study.

Upon conclusion of the discussion, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the Commission resolved to establish an Outdoor Advertising Committee and requested that, at the September 19, 2006, Work Session, staff provide a list of suggested individuals interested in serving on the committee, to include Messrs. Wilson and Litton, at which time action would be taken to appoint the members of the committee.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0398* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1744A Birkdale

No one was present to represent the request.

There was no opposition to the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission confirmed the decision of the Director of Planning that the proposed public facility (communications tower) for Case 06PD0398, New Cingular Wireless PCS, LLC, was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PD0399* Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1743 Reedy Branch (Welton)
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No one was present to represent the request.

There was discussion relative to the application submittal date, the timeframe within which the request must be acted upon and other issues of concern.

Mr. Bass stated he did not feel the issues relative to the request could be resolved within thirty (30) days.

Mr. Gulley suggested the request be deferred to the 7:00 p. m. Evening Session to allow the applicant's represented to be contacted and asked to attend the evening meeting.

There was no opposition to the deferral.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06PD0399 to the 7:00 p. m. Evening Session of the Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

07PD0120 Dale	Chesterfield County Utilities Department	Substantial Accord Determination	Courthouse Commons Wastewater Pumping Station
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No one was present to represent the request.

There was no opposition to the request.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission confirmed the decision of the Director of Planning that the proposed public facility (wastewater pump station) for Case 07PD0120, Chesterfield County Utilities Department, was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

H. REVIEW OF SUBSTANTIAL ACCORD POLICY.

Mr. Clay stated the Commission, at their July 18, 2006, work session requested staff schedule discussion of an amendment to the *Substantial Accord Policy for Public Facilities* on the August 15, 2006, work session agenda.

Discussion ensued relative to the lack of notification of adjacent property owners of the filing of Substantial Accord applications for administrative determination; the lack of Policy requirements for such notification; current procedures for such requests; a proposed amendment which would require an applicant submit with their application documentation of commissioner approval for the administrative process and without such documentation, the application would be processed for public hearing; the procedures/channels through which the *Policy* could be amended; and other concerns.

Upon conclusion of the discussion, it was the consensus of the Commission that staff prepare proposed amendments for further discussion at the September 19, 2006, work session.

I. UPDATE TO THE SWIFT CREEK RESERVOIR WATERSHED MASTER PLAN.

Messrs. McElfish and Flanigan presented an overview of suggested options and alternative for the path forward to address regulatory issues and feedback from the Environmental Protection Agency (EPA), the US Army Corps of Engineers (USACOE) and the United State Fish and Wildlife Services (USFWS) concerning the *Watershed Master Plan*.

There was discussion relative to short-term, near-term and long-term phases designed to address on-site stormwater management and the issues generated by the proposed changes.

Upon conclusion of the discussion, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the Commission cancel the September 19, 2006, work session discussion of the draft *Upper Swift Creek Plan* and related Ordinance Amendments and to reschedule these items for discussion at the December 14, 2006, work session; and further requested Water Quality staff provide additional information at the September 19, 2006, work session concerning the implementation of the short-term goals for the *Watershed Master Plan*.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

J. PROPOSED NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.

Mr. Haasch presented a summary of, and answered questions relative to, the proposed *Northern Courthouse Road Community Plan* recommended by Mr. Gulley, Clover Hill District Commissioner.

Mr. Simonson answered questions relative to transportation issues, as they pertained to the proposed *Plan*.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission requested staff schedule a citizen community meeting in September 2006 to discuss the proposed *Northern Courthouse Road Community Plan* Amendment, as recommended by Mr. Gulley, dated August 15, 2006, with a public hearing anticipated to be scheduled in either October or November 2006.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Due to time constraints, Mr. Wilson suggested, and it was the consensus of the Commission, that the order of Items K., Crime Prevention Through Environmental Design (CPTED) Presentation Relative to Security for High Density Residential Development and L., Proposed Ordinance Amendment Relative to Measurement of Yards on Routes 10 and 360 and Various Development Standards in the Route 10 East and Enon Core Districts, be reversed.

L. PROPOSED ORDINANCE AMENDMENT RELATIVE TO MEASUREMENT OF YARDS ON ROUTES 10 AND 360 AND VARIOUS DEVELOPMENT STANDARDS IN THE ROUTE 10 EAST AND ENON CORE DISTRICTS.

Mr. Wilson requested, and the Commission agreed, that the portion of the proposed Ordinance Amendment relative to measurement of yards on Routes 10 and 360 be deleted and that only the setbacks and development standards in the Route 10 East and Enon Core Districts be advertised for public hearing.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission set the date of, and requested staff advertise, September 19, 2006, for public hearing to consider a proposed Ordinance Amendment relative to setbacks and development standards in the Route 10 East and Enon Core Districts.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

K. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) PRESENTATION RELATIVE TO SECURITY FOR HIGH DENSITY RESIDENTIAL DEVELOPMENT.

Mr. Jim Eicher, CPTED Planner, summarized, and distributed copies of, information relative to security for high density residential developments.

Discussion ensued relative to the need, content and preparation of security plans; the proposed, and suggested alternative, proffer for security plans; the feasibility of incorporating CPTED standards into the Building Code and/or County Ordinances; and other concerns.

Upon conclusion of the discussion, the Commission requested staff provide additional information at the September 19, 2006, Work Session relative to the proposal.

M. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the Commission adjourned at approximately 2:55 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:06 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the July 18, 2006, Planning Commission minutes.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to approve the July 18, 2006, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ WITHDRAWALS.

06PW0402:* In Bermuda Magisterial District, **D.C. ASSOCIATES** withdrew the request for modification to development standard Section 19-589.2. Specifically, the applicant requests relief from the requirement that no more than one (1) row of parking is permitted between buildings and Route 10. This development is commonly known as **MEADOWVILLE COMMONS**. This request lies in a Community Business (C-3) District on a 3.28 acre parcel fronting approximately 310 feet on the north line of Route 10 approximately 600 feet west of the intersection of East Enon Church Road and Route 10. Tax IDs 823-648-7509 and 9201 (Sheet 35).

Mr. Andy Scherzer, the applicant's representative, confirmed withdrawal of Case 06PW0402.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of the request for modification to development standard Section 19-589.2 for Case 06PW0402, D.C. Associates (Meadowville Commons).

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **DEFERRALS.**

06PS0428: In Clover Hill Magisterial District, **COMMONWEALTH GOLF PROPERTIES, LLC** requested Planning Commission approval of a schematic plan that includes forty-five (45) multifamily dwelling units in an approximately six (6) acre area currently occupied by tennis courts of the Brandermill Country Club. This project is commonly known as **BRANDERMILL COUNTY CLUB**. This request lies in a Residential (R-7) District on part of a 173.25 acre parcel lying on the north line of Brandermill Parkway on the site of the Brandermill Country Club. Tax ID 729-684-Part of 2721 (Sheet 9).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the September 19, 2006, Planning Commission meeting.

Mr. Gulley stated he was seeking more information about the request and, in addition to the applicant's request, would also request an additional thirty (30) day deferral.

Mr. Wilson opened the discussion for public comment.

Ms. Jane Pritz, representing the Brandermill Community Association, supported deferral of the request for sixty (60) days, noting the deferral would allow the applicant and area residents who were just learning about the proposal more time to investigate options and resolve issues of concern.

Ms. Joyce Rowe, a Brandermill resident and Association member, supported deferral of the request for sixty (60) days, citing traffic and environmental concerns raised at a community meeting that had not been addressed; new plans that had not been reviewed by concerned parties; and the moral obligation and legal responsibility of citizens to protect their property and the originally submitted Brandermill development plan.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Scherzer indicated he was awaiting the same information as area residents, shared their concerns; and anticipated resolving the issues within the deferral timeframe.

Mr. Robinson noted, in accordance with County policy, action on the request must transpire within 100 days.

Mr. Turner stated there were significant open space issues to be addressed/resolved and felt he needed to issue a formal, written opinion relative to the amount of overall open space requirements imposed by the original Brandermill development plan so that any aggrieved parties could appeal to the Board of Zoning Appeals.

Mr. Gulley stated he felt the area residents' concerns should be addressed and deferral to the October 17, 2006, Planning Commission meeting would allow sufficient time to do so. He questioned the potential legal ramifications of, and impact to the request, relative to Mr. Turner rendering a decision regarding the overall open space requirements imposed by the original Brandermill development plan.

Mr. Gulley requested that staff present a summary of facts in the "Request Analysis" regarding the status of open space within thirty (30) days.

In response to Mr. Gulley's request, Mr. Turner indicated he was not certain the most appropriate manner to respond to the expressed concerns was in the format of a "Request Analysis;" however, staff would attempt to complete the analysis within thirty (30) days.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 06PS0428, Commonwealth Golf Properties, LLC (Brandermill Country Club), to the September 19, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06TS0361:* In Midlothian Magisterial District, **ROCKSTONE, LLC** requested Planning Commission approval of an eight (8) lot single family subdivision. The minimum lot size is 40,075 square feet and the maximum lot size is 48,787 square feet. This development is commonly known as **ROXSHIRE PHASE II**. This request lies in a Residential (R-40) District on an 8.44 acre parcel fronting approximately 252 feet on the south line of Robious Road approximately 303 feet east of Corner Rock Road. Tax IDs 735-716-6150 and 8642 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, noting the applicant offered a \$250.00 cash allowance to permit owners of said properties to plant additional vegetation, if that would be the desire of the Planning Commission.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that tentative subdivision approval for Case 06TS0361, Rockstone, LLC (Roxshire Phase II), shall be and it thereby was granted, subject to the following requirements and tentative conditions:

REQUIREMENTS:

1. Prior to approval of the Roxshire Phase 2 tentative, the developer will submit a letter of acknowledgement of the condition regarding masonry embellishments within the VDOT clear zone. This acknowledgement is the responsibility of the developer and not his representative as he is ultimately responsible for removal of headwalls in all new subdivisions should it become necessary. A draft of that letter is enclosed for your convenience. (EE)
2. Applicant shall submit a revised tentative showing the location of proposed sign easement. The easement shall be located at the edge of the tree preservation strip near the entrance to this development. (P)

TENTATIVE CONDITIONS:

- A. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
- B. Achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
- C. Anticipated problems in the existing adjacent downstream developments which in the opinion of the Environmental Engineering Department, are caused by increases in storm water runoff from the project shall be the responsibility of the subdivider. (EE)
- D. Unless otherwise approved by the Department of Environmental Engineering, the erosion sediment control narrative will call for the reconstruction of the existing rear yard swale in the easement along the rear of existing lots 4 through 9 in Roxshire Section 5 as the first step of project development. (EE)
- E. As directed by the Environmental Engineering Department, a berm/swale along the eastern property line of lot 1 which would direct water ultimately into the existing twenty-four (24) inch storm sewer shall be implemented. (EE)
- F. A storm water diversion design shall be implemented and placed into a drainage easement along the common side property line of lots 3 and 4 which will direct water into Auger Place. (EE)
- G. Drainage improvements which parallel the right of way of Robious Road shall be installed as necessary so as to keep all storm water from impervious portions of the Robious Road right of way from entering the project. (EE)
- H. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- I. It is the subdivider's responsibility to make certain that the proposed project, and the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1000 gpm at twenty (20) psi residual. (U)
- J. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the Department's customers as users of the public water/sewer systems. (U)

- K. Hydrant locations shown on the tentative plan may not be in an acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
- L. The final check and record plats shall note the location of all tree preservation areas and bear a note stating, "No clearing is permitted with the limits of the tree preservation strip. No structures of any kind shall be permitted inside tree preservation strip." (P)
- M. All tree preservation strips are inclusive of required yards, except that the required side yard setbacks along the tree preservation strip for lots 1 and 8 on the approved tentative shall be a minimum ten (10) feet measured from the lot interior edges of the tree preservation strip. (P)
- N. Each property owner shall receive written notice of the existence of the tree preservation strip on each respective property at the time of sale. The written notice shall at a minimum contain the following: "No clearing is permitted with the limits of the tree preservation strip. No structures of any kind shall be permitted inside tree preservation strip." (P)
- O. Prior to the submittal of final check plats, the tree preservation strips shall be flagged and Planning shall be notified to inspect the tree preservation areas. No additional planting shall be required within the tree preservation strips unless evidence of clearing within the boundaries of these areas is evident. In which case, a landscape plan detailing additional plantings, and a bond to guarantee the plantings, shall be provided to, and approved by Planning, before recordation of any portion of this development. (P)
- P. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- Q. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- R. The design of any/all proposed landscape embellishments (i.e. landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- S. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- T. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:

- a. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
- b. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)

Either option A or B may be used for each category of road at the preference of the developer. (VDOT)

- U. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- V. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

07TW0106: In Matoaca Magisterial District, **JAMES AND JENNIFER DUDLEY** requested a waiver to Section 19-510(a)(1) of the Zoning Ordinance which requires "all recreational equipment shall be parked or stored in a rear yard, except for loading and unloading." This development is commonly known as **CHESDIN PARK**. This request lies in a Residential (R-15) District on a 1.008 acre parcel fronting approximately seventy (70) feet on the north line of Chesdin Park Drive at 10206 Chesdin Park Drive. Tax ID 756-623-3337 (Sheet 40).

Mr. Feest presented an overview of the request and staff's recommendation for denial, noting there was ample room in a grassy area in the rear yard to park two (2) boats behind the rear plane of the home without clearing any trees; the current location (in violation with the Ordinance) was visible from the street and to adjacent neighbors and may have a negative impact on the neighborhood; the applicant had not demonstrated a hardship to justify the retention of the boat in its current location; and the application was submitted as the result of a complaint.

Mr. and Mrs. James Dudley, the applicants, did not accept staff's recommendation, noting their garage was not large enough to house the boat/trailer; there were trees/bushes in the rear yard that would have to be removed to allow the storage of the boat and trailer; the cost for removing the trees/bushes would cause a financial hardship as well as adversely affect the value and enhancement of their property; that the boat/trailer was less visible beside the garage as it was obscured by parked vehicles; and granting the waiver would not detrimentally impact, or conflict with, the overall property values in the neighborhood.

Mr. Wilson opened the discussion for public comment.

Ms. Lucinda Ouellette, an adjacent property owner, referenced a letter sent to the Commission asking that the proposal be denied, citing the applicants' violation of homeowner association covenants and County Ordinances by parking their recreational vehicles in the current location; noise and visual nuisances of boat

repair and maintenance conducted in the driveway; and devaluation of property values. She stated she did not believe there was a basis for approval of the waiver or that a hardship existed when there was sufficient rear property on which the vehicles could be stored.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Ms. Dudley stated there had been discussion relative to the dissolution of the homeowners association and subsequently the covenants would no longer be applicable.

Mr. Bass stated he understood the convenience of parking the boats/trailers in the driveway; however, he saw no reason to deviate from the Ordinance requirements.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to deny the request for a Development Standard Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit two (2) boats to be parked in an area of the side yard outside of the required rear yard for Case 07PW0106, James and Jennifer Dudley (Chesdin Park Subdivision).

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at O'Charley's Restaurant in Chester, VA at 5:00 p. m.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 4:00 p. m., agreeing to meet at O'Charley's Restaurant in Chester, VA at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use requests.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Litton presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting there were eighteen (18) cases on the September 19th agenda; thirteen (13) cases on the October 17th agenda; and no cases scheduled at this time on the November 16, 2006, agenda. He noted the Commission, at the Work Session earlier today, suspended their By-Laws to increase the October and November caseloads to accommodate deferrals only.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission amended the agenda to move Case 06SR0258, John F. Squires, to the last item on the Deferral Agenda and to move 06SN0317, Charles and Robin Primm, to the first item on the Discussion Agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Ms. Brenda Stewart, a County resident, read a prepared statement expressing concerns regarding the manner in which case information was presented by staff and the basis on which Commissioners rendered their decisions. She stated she was present to challenge the basis for the Commission's recommendation on Case 05SR0171, Timothy J. Hauler and to use that case to justify a request for a revised process. She referenced a chronology of events and documented violations, which she outlined, noting the Commission's failure to consider this information in rendering their decision did not serve the citizens well.

F. CARRYOVER FROM WORK SESSION-SUBSTANTIAL ACCORD DETERMINATION.

06PD0399*	New Cingular Wireless	Substantial Accord	R1743
Matoaca	PCS, LLC	Determination	Reedy Branch (Welton)

Mr. Turner recalled Case 06PD0399, New Cingular Wireless PCS, LLC, which was carried over from the Commission's Work Session held earlier in the day.

Mr. Bass stated, at the applicant's request and based on written documentation in the case file, he was amenable to deferring Case 06PD0399 to the October 17, 2006, Planning Commission Work Session.

There was no opposition to the deferral.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06PD0399, New Cingular Wireless PCS, LLC, to the October 17, 2006, Planning Commission Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY APPLICANTS.

06SN0279: In Bermuda Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested deferral to September 19, 2006, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 0.2 acre lying approximately 900 feet off the south line of Carver Heights Drive approximately 600 feet west of West Booker Boulevard. Tax ID 776-649-Part of 6217.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 06SN0279 to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0279 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0313: In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to October 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Mr. Sam Ragsdale, the applicant's representative, requested deferral to the October 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0313 to the October 17, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

04SN0224:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to October 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the October 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0224 to the October 17, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0155:* (Amended) In Midlothian Magisterial District, **CONTINENTAL 184 FUND LLC** requested deferral to September 19, 2006, for consideration of rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Mr. John Easter, the applicant's representative, requested deferral to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0155 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SR0258:* In Bermuda Magisterial District, **JOHN F. SQUIRES** requested deferral to October 17, 2006, for consideration of renewal of Conditional Use (Case 03AR0113) and amendment of zoning district map to permit a business (motor vehicle storage and towing lot) incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in an Agricultural (A) District on 3.6 acres and is known as 13125 Old Stage Road. Tax ID 803-651-7892.

Mr. John F. Squires, the applicant, requested day deferral to the October 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SR0258 to the October 17, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

06SN0314: In Midlothian Magisterial District, **BELVEDERE DEVELOPMENT COMPANY, LLC** requested amendment to Conditional Use Planned Development (Case 02SN0214) and amendment of zoning district map relative to phasing of commercial development. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Neighborhood Business (C-2) District on 3.3 acres fronting approximately 300 feet on the north line of Robious Road approximately 400 feet east of West Huguenot Road. Tax ID 741-714-3585.

Mr. William Homiller, the applicant's representative, accepted staff's recommendation, noting that a bank was proposed.

In response to Mr. Gecker's questions, Mr. Clay indicated retail development would not be permitted to the east of the bank.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0314 and acceptance of the following proffered condition:

PROFFERED CONDITION

Phasing of Commercial Development. Prior to issuance of any certificate of occupancy for any use on Parcel C-2, either (i) at least temporary certificates of occupancy shall have been granted for a building (other than as part of a multi-family project) of at least 2,300 gross square feet on Parcel C or (ii) Parcel C shall have been incorporated into a multi-family project on Parcel A and at least

temporary certificates of occupancy shall have been granted for the phase of such project of which Parcel C is a part. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 2 of Case 02SN0214.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0315: In Bermuda Magisterial District, **CALVARY BAPTIST CHURCH** requested Conditional Use Planned Development and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in Residential (R-7) and Community Business (C-3) Districts on 2.4 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway across from Jackson Street. Tax IDs 799-630-7246, 7351 and 9459.

Mr. Henry Moore, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0315, subject to the following condition:

CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. The sign shall not be visible from property to the south and east which is zoned Residential. If visible, the sign shall be located a minimum of 1,000 feet from such properties;
- b. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- c. The copy display color shall either be white or yellow;
- d. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- e. Flashing and traveling messages shall be prohibited; and
- f. Bijou lighting and animation effects shall be prohibited. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0250:* In Dale Magisterial District, **SHAWN WEST** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-7) District. The density of such

amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 0.7 acre and is known as 7401 Hopkins Road. Tax ID 782-677-2190.

Ms. Shawn West, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton requested that the Conditional Use be granted for two (2) years.

Ms. West accepted the revision to Condition 1, as stated by Mr. Litton.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0250, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Shawn West, exclusively for a period not to exceed two (2) years from date of approval, and shall not be transferable or run with the land.
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0272:* In Clover Hill Magisterial District, **PERSIAN PROPERTY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 4.5 acres fronting approximately 500 feet on the south line of Hull Street Road, also fronting approximately 370 feet on the east line of Astor Road and located in the southeast quadrant of the intersection of these roads. Tax ID 758-690-2095.

Mr. David Goff, the applicant's representative, accepted staff's recommendation, including the addendum.

Mr. Wilson opened the discussion for public comment.

Mr. Jerry Turner, representing Falling Creek Farms Subdivision residents, opposed the proposal, noting all area neighborhoods were not notified of, and/or represented during, the negotiations and expressed concerns relative to density, dwelling size, architectural treatment and that the units in the project may be occupied by renters versus owners.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gulley indicated that the applicants had worked diligently with the Route 360 Corridor Committee which had representatives from various neighborhoods; indicated that there were no legal means to preclude rental of dwelling units; and stated the proffered conditions would ensure a quality project.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0272, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement dated May 2, 2006, shall be considered the Master Plan.

PROFFERED CONDITIONS

1. Utilities: Public water and wastewater systems shall be used. (U)
2. Timbering: Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Storm Water retention: The developer will retain the 10 year post development runoff on site and release at the 2 year predevelopment rate. (EE)
4. Buffers:
 - a) A forty-five (45) foot buffer shall be provided along the southern project boundary, adjacent to Tax IDs 758-690-5081 and 5886. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - b) All required buffers shall be located within recorded open space.
 - c) Within the buffer adjacent to Hull Street Road, earthen berms will be created with vegetation planted consistent with Zoning Ordinance requirements for Perimeter Landscaping "C", Option 2.b. (P)
5. Site Layout: Development of the property shall generally conform to the Proposed Site Layout, prepared by Persian Property, LLC and dated May 2, 2006 with respect to the relationship between the lots, sidewalks and focal points. (P)
6. Planting: Street trees shall be provided along both sides of all sidewalks within the development. (P)
7. Focal Point: A minimum of 0.75 acres of the required open space shall serve as a focal point as one enters the project. Part of this area shall be hardscaped and have benches or other amenities that accommodate and facilitate gatherings. The focal point shall be developed concurrent with first phase of development. (P)

8. Sidewalks: Sidewalks shall be provided along the front of all units. Ornamental pedestrian scale lighting, not to exceed fourteen (14) feet in height, shall be provided to illuminate the sidewalks. (P)
9. Density: A maximum of twenty-four (24) dwelling units shall be permitted on the property. (P)
10. Cash Proffer: For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the Property:
 - a) \$15,600 per dwelling unit if paid prior to July 1, 2006; or
 - b) The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d) Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
11. Dwelling size: The minimum gross floor area of each dwelling unit shall be 1,200 square feet. (P)
12. Building Material: The facades of dwelling units shall be constructed of brick, brick or stone veneer, split face block, wood, vinyl or composition of such materials. All exposed portions of the foundation of each dwelling unit shall be faced with brick or split face block veneer. (P)
13. Garage: All garages shall be rear or side loaded. (P)
14. Driveway: All private driveways serving each dwelling unit shall be hardscaped. The exact treatment shall be approved at the time of tentative subdivision plan review. (P)
15. Roadway: All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
16. Access: No direct vehicular access shall be provided from the property to Hull Street Road (Route 360). (T)
17. The following restrictive covenants shall be recorded prior to or in conjunction with the recordation of any subdivision plat for the property:

- A. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowner's Association.
- B. No improvements including, without limitation, a dwelling, accessory, structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, to the extent permitted by law, antenna, or similar device, or change in the exterior color or building material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
- C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
- D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - 1. No fence shall be permitted in the front yard of any Lot (between the building setback line and street or sidewalk line).
 - 2. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
 - 3. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- E. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by the initial construction and sales period.
- F. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots. No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- G. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph "B".

- H. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- I. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of the Declarant.
- J. No portable air conditioner units shall be placed in any window of a dwelling or other building if visible from a public street.
- K. Except as otherwise provided by applicable Law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
- L. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the subdivision or on any Lot except in a driveway.
- M. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- N. Invalidation of any one of the provisions of these restrictions by judgment, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- O. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- P. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- Q. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees,

assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof. The restrictive covenants shall not be changed for a period of ten (10) years from the date of the issuance of the first building permit. The covenants shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.

R. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate but no later than such time as eighty-five percent (85%) of the Lots are owned by persons other than the Declarant, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Longwood Town Homeowner's Association" or a similar name (the "Association").

1. Declarant shall deed all common areas to the Association. The Association shall be responsible for the management, care and upkeep of all common areas and shall maintain adequate casualty and liability insurance on all common areas. In addition, the Association shall also be responsible for the care and upkeep of all residence building exteriors, entrance porches, walkways, and roofs.
2. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
3. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant. The Association shall maintain adequate liability and fiscal malfeasance insurance on all members of the Board of Directors.
4. By the time of the Association's incorporation, the Declarant shall provide an initial set of by-laws and an initial set of covenants and guidelines for the fair use of the development. This will include rules and restrictions concerning issues of visual aesthetics, nuisances, noise, pets, and uses of common areas. The Board of Directors shall have the responsibility to enforce these rules and restrictions by applying a special assessment against the subject lot owner for each offense. In addition, any cost accrued to the Board of Directors in rectifying a violation of the covenants

will be reimbursed through a special assessment against the subject lot owner.

5. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses which the Association anticipates it will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall contain contingencies of no less than 2% of the current total budget for unforeseeable non-capital expenses. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. The Annual Assessment will be collected in monthly payments from all Owners in the manner designated by the Board of Directors.
6. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the Lots.
7. The Association shall maintain a capital reserve (the "Capital Reserve") for the funding of capital expenses in sufficient amounts as to meet the needs of all exterior repairs and maintenance including items such as painting, and roof replacement for all structures within the development. The timetable for painting shall not exceed 8 years and the timetable for roof replacement shall not exceed the manufacturer's specified life expectancy. The initial funding of the Capital Reserve shall begin with the occupancy permit received for the first home and shall initially be based on the number of homes in the first building unit along with all common areas. The total Capital Reserve will increase proportionally to cover all the homes in each additional building unit once the first home of each unit receives its occupancy permit. The Capital Reserve will be collected in such a manner as to reach full funding in no more than 5 years. Thereafter, the Board of Director will maintain the Capital Reserve in the Budget at no less than 95% of it full funding.
8. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or

other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

- S. The Declarant hereby reserves the right, a Declarant's sole discretion, to add any additional land to the property subject to the Declaration of Protective Covenants.
(P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0185:** (Amended) In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 36.4 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 730 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011; 721-708-2383; and 721-709-2704 and 3240.

Mr. James Theobald, the applicant's representative, indicated the applicant wished to withdraw parcels identified by Tax IDs 721-708-2383 and 721-709-2704 and 3240.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission acknowledged withdrawal of parcels identified by Tax IDs 721-708-2383 and 721-709-2704 and 3240 for Case 05SN0185.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Mr. William Shewmake, representing Ms. Edith Johnson, requested deferral of the remaining portion of Case 05SN0185 identified by Tax ID 720-709-6011 to the October 17, 2006, Planning Commission public hearing.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer the remaining portion of Case 05SN0185 identified by Tax ID 720-709-6011 to the October 17, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0317: In Clover Hill Magisterial District, **CHARLES AND ROBIN PRIMM** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 3.1 acres and Residential Townhouse (R-TH) of 109 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The density of the Community Business (C-3) District will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for open space, light industrial, light commercial, medium density residential use of 1.51 to 4.0 units per acre and medium/high density residential use of 4.01 to 7.0 units per acre. This request lies on 112.1 acres fronting approximately sixty (60) feet on the north line of Hull Street Road approximately 350 feet west of Suncrest Drive; fronting approximately 1,650 feet on the west line of Suncrest Drive approximately 430 feet north of Hull Street Road; also fronting approximately 940 feet on the east line of Terrybluff Drive at Paulbrook Drive; and also lying off the eastern termini of Gregwood Road and Puckett Place. Tax IDs 745-688-5770; 746-685-Part of 4190; 746-687-3681; 746-689-7818; and 747-686-1688.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirements.

Mr. Jim Theobald, the applicant's representative, stated the application had been amended to withdraw the portion of the request for Conditional Use Planned Development and the applicant accepted the recommendation for the rezoning; however, the applicant did not accept the recommendation for denial of the waiver to street connectivity requirements.

Mr. Wilson opened the discussion for public comment.

Mr. Al Usher, on behalf of his daughter, and Mr. Doug Mills, a Gregwood Road resident, supported the applicant's request to waive the connection to Gregwood Road.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gulley expressed appreciation for the efforts of all those involved to resolve concerns, noting he was satisfied with the request, as presented.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission acknowledged withdrawal of the Conditional Use Planned Development.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of the zoning for Case 06SN0317 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

APPLICABLE TO RTH PARCELS

1. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property:
 - a. \$15,600.00 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - b. If, upon the mutual agreement of the Transportation Department and the applicant, the applicant provides road improvements (the "Improvements"), other than those identified in Proffered Condition 12, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
- 2. Buffers. All required buffers adjacent to residentially-zoned property shall be recorded in open space. (P)
- 3. Utilities. The public water and wastewater systems shall be utilized. (U)
- 4. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- 5. Access. No residential units shall have sole access to the Property via Gregwood Road. (P)
- 6. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding having a minimum thickness of 0.042 mils, or a combination of the foregoing. Masonite siding shall not be utilized. (P&BI)
- 7. Restrictive Covenant. The following restrictive covenant shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat: The required homeowners' association for the townhome development shall be responsible for the maintenance of the exteriors of homes as follows: (a) painting, repair, maintenance and replacement of gutters and downspouts; (b) maintenance of roofs, shingles, sheathing and felt; and (c) exterior building wall surfaces (exclusive of doors and windows). (P)
- 8. Overall Density. The aggregate density on the Property shall not exceed than four (4) units per acre.
- 9. Right of Way Dedication. In conjunction with recordation of the initial subdivision plat or prior to any site plan approval, a seventy (70) foot wide right-of-way for a north/south collector ("Suncrest Drive Extended") from the southern property line to the eastern property line at the adjacent parcel to the east identified as Tax ID 7476895339, and a seventy (70) foot wide right-of-way for a east/west collector ("Paulbrook Drive Extended") from Terrybluff Drive to Suncrest Drive Extended shall be dedicated, free and unrestricted, to and for the benefit Chesterfield County. The exact location of these rights-of-way shall be approved by the Transportation Department. (T)
- 10. Access Plan. Prior to any tentative subdivision plat approval or any site plan approval, whichever occurs first, an access plan for Suncrest Drive Extended and Paulbrook Drive Extended shall be submitted to and approved by the Transportation Department.

Vehicular access from the property to these roads shall conform to the approved access plan. (T)

11. Public Roads. All roads that accommodate general traffic circulation through the residential development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
12. Transportation Improvements. To provide an adequate roadway system, the developer shall be responsible for the following. The exact design and length of these improvements shall be approved by the Transportation Department:
 - a. Construction/Reconstruction of a two-lane road for Suncrest Drive Extended, to VDOT Urban Collector (40 MPH) standards with modifications approved by the Transportation Department, from approximately 300 feet north of Route 360, north through the property to the eastern property line at the adjacent parcel identified as Tax ID 7476895339.
 - b. Construction of a two-lane road for Paulbrook Drive Extended, to VDOT Urban Collector (40 MPH) standards with modification approved by the Transportation, from Terrybluff Drive to Suncrest Drive Extended.
 - c. Construction of additional pavement along Hull Street Road (Route 360) at the Suncrest Drive intersection to provide a right turn lane.
 - d. Construction of a raised median with a three (3) lane typical section (i.e., one (1) northbound lane and two (2) southbound lanes) for Suncrest Drive from Route 360 north for a distance of approximately 300 feet.
 - e. Full cost of traffic signal modification at the Suncrest Drive/Route 360 intersection, if necessary, as determined by the Transportation Department.
 - f. Construction of left and right turn lanes along Suncrest Drive Extended and along Paulbrook Drive Extended at each approved access, including at the Suncrest Drive Extended/Paulbrook Drive Extended intersection, if warranted based on Transportation Department standards.
 - g. Dedication to the county, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Conditions 12 a., d., and e., the developer may request, in writing, that the county acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

13. Phasing Plan. Prior to any site plan approval or any construction plan approval, whichever occurs first, a phasing plan for the required road improvements as identified in Proffered Condition 12 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things:
- a. that in conjunction with initial development on the property, the road improvements described in Proffered Conditions 12 b., c., d. and e. shall be completed, as determined by the Transportation Department;
 - b. that in conjunction with the initial development on the property, that portion of Suncrest Drive Extended described in Proffered Condition 12. a. shall be completed north of Route 360 through the property to the northwest corner of the property line at the adjacent parcel identified as Tax ID 7476873556, as determined by the Transportation Department; and
 - c. prior recordation of more than one hundred seventy-five (175) lots, the remainder of the Suncrest Drive Extended improvements described in Proffered Condition 12.a. shall be completed, as determined by the Transportation Department. (T)

APPLICABLE TO C-3 PARCEL

14. Utilities. The public water and wastewater systems shall be utilized. (U)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommended approval of the waiver to the "Residential Subdivision Connectivity Policy requirements for Gregwood Road.

AYES: Messrs. Wilson, Gecker, Bass, Gulley and Litton.

06SN0309: In Clover Hill Magisterial District, **ALLEN M. KIDD** requested rezoning and amendment of zoning district map from Neighborhood Office (O-1) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 0.6 acre fronting approximately 260 feet on the south line of Knightsbridge Road, also fronting approximately 100 feet on the west line of North Arch Road and located in the southwest quadrant of the intersection of these roads. Tax ID 752-705-4058.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed single family dwelling did not provide an appropriate transition between the Archway Sixty Office Park to the north, the Arboretum office development to the east and the Corporate Office (O-2) zoning to the south and the proffered conditions did not adequately address the impacts of the development on necessary capital facilities, thereby not insuring adequate service levels were maintained and protecting the health, safety and welfare of County citizens.

Mr. Allen Kidd, the applicant's representative, did not accept staff's recommendation, noting the applicant wished to rezone the property from Neighborhood Office (O-1) to Residential (R-12) to construct a single

family residential dwelling on the property. He referenced eleven (11) letters of support from adjacent property owners and one (1) letter of support from the Shenandoah Community Association.

Mr. Wilson opened the discussion for public comment.

A representative for the Shenandoah Community Association expressed concerns relative to traffic on Knightsbridge Road, noting that residential development was preferable to an office use on the property provided the number of lots was limited to avoid numerous access points to Knightsbridge Road.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to Mr. Litton's question, Mr. Kidd indicated the applicant was willing to proffer a condition that only one (1) dwelling would be constructed on the property.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0309 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to the issuance of a building permit, forty-five (45) feet of right-of-way on the west side of North Arch Road, measured from the centerline of that part of North Arch Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. No direct vehicular access shall be provided from the property to North Arch Road. (T)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$10,269 per dwelling unit; or
 - b. The amount approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B & M)
4. Only one (1) single family dwelling shall be constructed on the property. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0311: In Matoaca Magisterial District, **JOHN NOLDE** requested amendment to Conditional Use Planned Development (Case 03SN0214) and amendment of zoning district map relative to permitted uses and building size. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 4.1 acres fronting approximately 350 feet on the east line of Woolridge Road fronting approximately 470 feet on the south line of Watermill Parkway, also fronting approximately 180 feet on the west line of Sailboat Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 719-687-Part of 2245.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed amendments did not conform to the *Upper Swift Creek Plan*; the proposed use exceptions were not designed to provide goods and services to nearby existing and proposed residential communities as intended under the original conditions of zoning; and the existing limitations on gross floor area of buildings were designed to provide an effective land use transition between the commercial uses and the adjoining residential community.

Mr. John Nolde, the applicant, did not accept staff's recommendation, noting he felt the property was appropriate for a commercial use, would attract high quality business to the neighborhood and would provide a positive, long-term, beneficial service to the area.

Mr. Wilson opened the discussion for public comment.

Mr. Alberto Gonzalez, an Edgewater Subdivision resident, opposed the request, indicating he did not want a commercial enterprise located across from his home and citing concerns relative to noise and light intrusion, the increased and unnecessary influx of traffic in the neighborhood and the fact that there were already existing commercial uses within close proximity to this location.

Mr. Mickey Blalock, a Matoaca District resident, supported the request, noting the proposed use would be beneficial to the community and would relieve traffic on Route 360.

There being no one else to speak, Mr. Wilson closed the public comment.

There was discussion relative to the appropriateness of the use at this location; the intensification of commercial uses in proximity to area residential developments; size of the use and/or buildings; additional restrictions to limit the types of commercial uses; and other concerns.

Mr. Bass stated he had attended community meetings at which there had been concerns expressed relative to the C-2 uses; that other than one (1) letter of support he had received, there was not much evidence of support for the request; he had concerns about the size of the buildings and the types of uses that could be permitted on the site; he was not certain the proposal would be beneficial to the community in the near future or to other area commercial nodes in the distant future; and he could not support the request.

Messrs. Wilson and Gecker indicated that they may be in a position to support amendments if additional restrictions were offered to limit the types of commercial uses to those which would serve the neighborhood and size of uses/buildings.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to recommend denial of Case 06SN0311.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0312: In Matoaca Magisterial District, **MARCY THOMAS AND SAMUEL BENJAMIN THOMAS** requested Conditional Use and amendment of zoning district map to permit a dwelling unit separated from the principal dwelling plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 93.2 acres fronting approximately sixty (60) feet on the south line of Woodpecker Road approximately 1.5 miles west of Nash Road. Tax IDs 747-643-Part of 4639; 750-643-Part of 7120; 750-644-Part of 3565; 752-640-0296; and 752-664-Part of 9691.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting that although staff typically supported requests to allow second dwelling units for occupancy by family members, guests and domestic servants on a single parcel of land, the subject parcel had no public road frontage, as required by the Zoning Ordinance, to ensure that adequate access for emergency vehicles and the public was provided and to ensure that other County taxpayers did not eventually bear the cost of constructing public road accesses to serve dwelling units constructed without adequate accesses.

In response to questions from the Commission, Ms. Orr stated a single family dwelling was constructed on the property subsequent to receiving a Variance from the Board of Zoning Appeals for no public road frontage in 1982.

Mr. Roger Habeck, the applicant's representative, did not accept staff's recommendation, noting a single family dwelling was constructed on the property in 1982; that the access was "all-weather" and well-maintained; that the capacity to maintain the right of way was well within the applicants' means; and the applicants had no interest in rental tenants.

Mr. Wilson opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, referenced the State Code and expressed concerns relative to the process/requirements for permitting residents to subdivide their land.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Litton expressed his support for the requirement for public road frontage.

Messrs. Wilson and Gecker indicated they felt Proffered Conditions 1 and 2 relative to occupancy of the second dwelling should not be accepted since they would be difficult to enforce.

Mr. Habeck withdrew Proffered Conditions 1 and 2.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Proffered Conditions 1 and 2 and resolved to recommend approval of Case 06SN0312 and acceptance of renumbered Proffered Conditions 3 through 6, reflected as follows:

PROFFERED CONDITIONS

- ~~1. Occupancy of the dwelling unit separated from the principal dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)~~
- ~~2. Prior to release of a building permit, a deed restriction shall be recorded setting forth the limitation in Proffer 1 above. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)~~
1. Prior to the issuance of a building permit, the applicant shall provide to the planning department a copy of a recorded instrument which will include the following:
 - a. A fifteen (15) foot wide private access easement from Woodpecker Road to the subject parcel. The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or
 - b. If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County. (P)
2. Within the fifteen (15) foot wide private access easement or right of way, a twelve (12) foot wide roadway shall be constructed and maintained. Prior to issuing a Certificate of Occupancy the Planning Department and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards.
 - a) The roadway shall consist of no less that the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.

- e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P,FD)
- 3. Prior to the issuance of a Certificate of Occupancy, the house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
 - 4. This property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

AYES: Messrs. Wilson, Gecker, Gulley and Bass.

NAY: Mr. Litton.

06SN0318: In Matoaca Magisterial District, **EDCO, L.L.C.** requested amendment to rezoning (Case 95SN0278) and amendment of zoning district map relative to vehicular access to Route 360. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use, conservation: passive recreation and single family residential use of 2.2 units per acre or less. This request lies in a Community Business (C-3) District on 66.7 acres fronting approximately 1,600 feet on the south line of Hull Street Road fronting approximately 1,400 feet on the east line of Ashlake Parkway and also fronting approximately 2,400 feet on the north line of Ashbrook Parkway. Tax ID 722-670-1277.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting a third signal in this area of the Hull Street Road Corridor would adversely impact the safety and efficiency of the corridor and that current zoning permitted the request property to have accesses at two (2) signalized intersections which would provide adequate access.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting the signal was necessary to accommodate development and relieve congestion at Ashlake Parkway and Winterfield Road.

Mr. Erich Strohhacker, traffic consultant for the project, explained the capacity analysis and justification for the signalization at Duckridge Boulevard, noting he felt the proposal was beneficial for the development and area residents.

Mr. Wilson opened the discussion for public comment.

Ms. Andrea Epps, a County resident, asked that existing and future road conditions be reviewed and consideration be given to the overall safety of the area.

Mr. Jerry Stroud, representing the Lakepointe Homeowners Association, referenced a petition containing forty-one (41) signatures in support of the request. When asked, approximately thirty (30) individuals stood to indicate support for the request.

Ms. JoAnn Malone, President of Clover Hill Farms Subdivision Homeowners Association and Ms. Susan Coffee, a Lakepointe Subdivision resident; supported a signalized intersection with a full crossover as it would better facilitate traffic movements in the area.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, addressed spacing distance and traffic volume statistics and expressed concerns that a more detailed analysis of alternatives and additional data to ascertain area needs was needed.

Mr. Jerry Turner and Ms. Sharon Herring, area residents, expressed concerns that an additional signalized crossover would impede traffic flow along Route 360, noting there was no guarantee the signal would be installed and suggesting that the location for the signal should be moved to Duckridge Boulevard.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Theobald stated a full traffic analysis study was completed and submitted to the appropriate parties.

Mr. Gecker indicated that he would prefer to have the details of the applicant's traffic study; expressed concerns that approval would establish a precedent which would result in a proliferation of signalized crossovers on Route 360 resulting in further traffic congestion; and further indicated that, even with approval, a traffic signal may not be warranted based on Virginia Department of Transportation (VDOT) standards.

Mr. McCracken addressed transportation concerns, indicating that the issue was the spacing and number of additional traffic signals along Route 360.

Mr. Bass indicated he understood Messrs. Gecker's and McCracken's positions but did not believe they fully understood the gravity of the situation. He stated, in his opinion, the signalized crossover was warranted, based upon safety issues, and he felt a recommendation for approval was appropriate.

Mr. Wilson indicated that he would prefer additional time to evaluate the proposal.

Mr. Gulley stated he had the highest regard for Mr. McCracken and his staff and agreed with him most of the time and, although he appreciated the efforts to improve Route 360, there was no guarantee the traffic signal would ever be installed and he would support Mr. Bass' motion.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0318 and acceptance of the following proffered condition:

PROFFERED CONDITION

Direct access to Route 360 shall be limited to two (2) entrances/exits. One (1) access shall align the existing crossover located on Route 360 between the Ashlake Parkway and the Winterpock Road intersections. The second direct access to Route 360 shall be located approximately midway between the Ashlake Parkway intersection and the other direct access at the existing crossover previously described. Prior to any site plan approval or tentative subdivision approval, whichever occurs first, an access plan for Route 360, Ashlake Parkway, Ashlake Parkway Extended and

Ashbrook Parkway Extended shall be submitted to and approved by the Transportation Department. Access for this property shall conform to the approved access plan. To provide an adequate roadway system, the developer shall be responsible for the full cost of traffic signalization at the full access entrance located approximately midway between the Ashlake Parkway intersection and the other direct access at the existing crossover previously described.

(Note: This proffered condition supersedes Proffered Condition 5 of Case 95SN0278 for the request property only.)

AYES: Messrs. Gulley, Litton and Bass.
ABSTENTIONS: Messrs. Wilson and Gecker.

G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to County staff being included in the preparation/recommendation process of zoning requests and suggested the process should be reviewed/revised.

Mr. Jerry Turner, a County resident, expressed concerns that the Commission's decisions on zoning requests were responsible for the severity of traffic problems in the County.

H. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 10:01 p. m. to September 19, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date